

● PRINTER RUSH ●  
(PTO ASSISTANCE)

Application :

08922,240

Examiner : Wehbe

GAU :

1632

From:

J. Robbins

Location:



FMF FDC

Date:

8-9-05

Tracking #:

EPN 08922,240

Week Date:

5-2-05

DOC CODE	DOC DATE	MISCELLANEOUS
<input type="checkbox"/> 1449		<input type="checkbox"/> Continuing Data
<input type="checkbox"/> IDS		<input type="checkbox"/> Foreign Priority
<input type="checkbox"/> CLM		<input type="checkbox"/> Document Legibility
<input type="checkbox"/> IIFW		<input type="checkbox"/> Fees
<input type="checkbox"/> SRFW		<input checked="" type="checkbox"/> Other
<input type="checkbox"/> DRW		
<input checked="" type="checkbox"/> OATH	<u>4-13-98</u>	
<input type="checkbox"/> 312		
<input type="checkbox"/> SPEC		

[RUSH] MESSAGE: The oath/declaration is missing  
Signatures for 1<sup>st</sup> inventor Stuart L. Schreiber  
and 2<sup>nd</sup> inventor Peter J. Belshaw.

*Thank You*

[XRUSH] RESPONSE:

*Completed 8-25-05*

INITIALS: *(Signature)*

NOTE: This form will be included as part of the official USPTO record, with the Response  
document coded as XRUSH.

REV 10/04

Matthew Vincent  
617951-7000  
APBI-P01-007

Waiting for response  
to Lisa  
8-25-05



## FISH &amp; NEAVE IP GROUP

ROPS &amp; GRAY LLP

ONE INTERNATIONAL PLACE BOSTON, MA 02110-2624 617-951-7000 F 617-951-7050  
 BOSTON NEW YORK PALO ALTO SAN FRANCISCO WASHINGTON, DC [www.ropesgray.com](http://www.ropesgray.com)

**FAX TRANSMITTAL LETTER**

**IMPORTANT:** PLEASE DELIVER THIS DOCUMENT IMMEDIATELY!  
 IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL: (617) 951-7000  
 TOTAL NUMBER OF PAGES INCLUDING THIS TRANSMITTAL LETTER: 13

<b>Name</b>	<b>Firm/Company</b>	<b>Fax Number</b>	<b>Phone Number</b>
To: Rori Burch	U.S. Patent & Trademark Office	(703) 746-6830	

From: Z. Angel Guo, Ph.D.

Re:

In re Application of: Schreiber et al.

Atty. Docket No: APBI-P01-007

Serial No.: 08/922,240

Art Unit: 1632

Filed: August 27, 1997

Examiner: Ram R. Shukla

For: Gene Therapy by Cell Specific Targeting

Comments: Dear Rori:

As requested, attached are copies of the inventors' executed Declarations that were filed with the Patent Office for the above-referenced application. Please do not hesitate to contact us if you need any further information.

**PLEASE COMPLETE WHEN SUBMITTING TO FAX DEPARTMENT**

Date: August 25, 2005

Time:

File Symbol: APBI-P01-007

Personal ID Number:

Submitted By:

Phone:

THIS FAX MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE. IT IS INTENDED FOR USE ONLY BY THOSE TO WHOM IT IS ADDRESSED. IF THIS FAX IS NOT ADDRESSED TO YOU, OR IF YOU RECEIVED IT IN ERROR, YOU MAY NOT DISCLOSE, DISTRIBUTE, COPY OR USE THIS FAX OR ANY INFORMATION IN IT. INSTEAD, PLEASE CALL US COLLECT AT (617) 951-7000 TO ARRANGE FOR ITS DESTRUCTION OR RETURN.

Attorney's Docket Number: APV-007.01

**Declaration, Petition and Power of Attorney For Patent Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

***GENE THERAPY BY CELL SPECIFIC TARGETING***

the specification of which was filed 27 August 1997 in the U.S. Patent and Trademark Office, and assigned serial number 08/922,240.

I do not know and do not believe that the subject matter of this application was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an issued inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that no application for patent or inventor's certificate on the subject matter of this application has been filed by me or my representatives or assigns in any country foreign to the United States, except those identified below, and that I have reviewed and understand the contents of the specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

\* \* \* \* \*

**PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

280491.2

Check one:  no such applications have been filed.  
 such applications have been filed as follows

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
 (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 35 USC 119
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

**(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**


**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)**

I hereby claim the benefit under Title 35, United States Code, §120 or §119(e) of any United States application(s) and/or provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier United States application, if any, described below, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States more than one year prior to said earlier application, that the said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months prior to said application and that no application for patent or inventor's certificate on said subject matter has been filed by me

280491.2

- 3 -

or my representatives or assigns in any country foreign to the United States except those identified herein.

60/024,666  
(Application Serial No.)

27 August 1996  
(Filing Date)

(Status)  
(patented, pending, aband.)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, aband.)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, aband.)

\* \* \* \* \*

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Donald W. Muirhead	Reg. No. 33,978	Charles H. Cella	Reg. No. 38,099
Beth E. Arnold	Reg. No. 35,430	John C. Gorecki	Reg. No. 38,741
Matthew P. Vincent	Reg. No. 36,709	Edward J. Kelly	Reg. No. 38,936
Isabelle M. Clauss	Reg. No. (see attached)	Sayoko Blodgett-Ford	Reg. No. 40,516

Send Correspondence to: Patent Group  
Foley, Hoag & Eliot LLP  
One Post Office Square  
Boston, MA 02109

Direct Telephone Calls to: Matthew P. Vincent, Ph.D. (617) 832-1000

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

280491.2

- 4 -

Full name of sole or first inventor <b>Stuart L. SCHREIBER</b>	
Inventor's signature 	Date 12/15/97
Residence <b>434 Marlborough Street, Boston, MA 02115</b>	
Citizenship <b>USA</b>	
Post Office Address (if different)	

Full name of second inventor <b>Peter J. BELSHAW</b>	
Inventor's signature	Date
Residence <b>41 Lewis Street, No. 1, Somerville, MA 02143</b>	
Citizenship <b>USA</b>	
Post Office Address (if different)	

Full name of third inventor <b>Gerald CRABTREE</b>	
Inventor's signature	Date
Residence <b>7 Durham Road, Woodside, CA 94062</b>	
Citizenship <b>USA</b>	
Post Office Address (if different)	

280491.2

**Attorney's Docket Number: APV-007.01**

**Declaration, Petition and Power of Attorney For Patent Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

***GENE THERAPY BY CELL SPECIFIC TARGETING***

the specification of which was filed 27 August 1997 in the U.S. Patent and Trademark Office, and assigned serial number 08/922,240.

I do not know and do not believe that the subject matter of this application was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an issued inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that no application for patent or inventor's certificate on the subject matter of this application has been filed by me or my representatives or assigns in any country foreign to the United States, except those identified below, and that I have reviewed and understand the contents of the specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

\* \* \* \* \*

**PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

280491.2

Check one:  no such applications have been filed.  
 such applications have been filed as follows

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 35 USC 119
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

**(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**


**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)**

I hereby claim the benefit under Title 35, United States Code, §120 or §119(e) of any United States application(s) and/or provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier United States application, if any, described below, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States more than one year prior to said earlier application, that the said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months prior to said application and that no application for patent or inventor's certificate on said subject matter has been filed by me.

280491.2

- 3 -

or my representatives or assigns in any country foreign to the United States except those identified herein.

60/024,666  
(Application Serial No.)

27 August 1996  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, aband.)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, aband.)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, aband.)

\* \* \* \* \*

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Donald W. Muirhead	Reg. No. 33,978	Charles H. Cella	Reg. No. 38,099
Beth E. Arnold	Reg. No. 35,430	John C. Gorecki	Reg. No. 38,741
Matthew P. Vincent	Reg. No. 36,709	Edward J. Kelly	Reg. No. 38,936
Isabelle M. Clauss	Reg. No. (see attached)	Sayoko Blodgett-Ford	Reg. No. 40,516

Send Correspondence to: Patent Group  
Foley, Hoag & Eliot LLP  
One Post Office Square  
Boston, MA 02109

Direct Telephone Calls to: Matthew P. Vincent, Ph.D. (617) 832-1000

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

280491.2

- 4 -

Full name of sole or first inventor <b>Stuart L. SCHREIBER</b>	
Inventor's signature	Date
Residence <b>434 Marlborough Street, Boston, MA 02115</b>	
Citizenship <b>USA</b>	
Post Office Address (if different)	

Full name of second inventor <b>Peter J. BELSHAW</b>	
Inventor's signature 	Date <b>12/14/97</b>
Residence <b>41 Lewis Street, No. 1, Somerville, MA 02143</b>	
Citizenship <b>USA CANADA</b>	
Post Office Address (if different)	

Full name of third inventor <b>Gerald CRABTREE</b>	
Inventor's signature	Date
Residence <b>7 Durham Road, Woodside, CA 94062</b>	
Citizenship <b>USA</b>	
Post Office Address (if different)	

280491.2

Attorney's Docket Number: APV-007.01

**Declaration, Petition and Power of Attorney For Patent Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

***GENE THERAPY BY CELL SPECIFIC TARGETING***

the specification of which was filed 27 August 1997 in the U.S. Patent and Trademark Office, and assigned serial number 08/922,240.

I do not know and do not believe that the subject matter of this application was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an issued inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that no application for patent or inventor's certificate on the subject matter of this application has been filed by me or my representatives or assigns in any country foreign to the United States, except those identified below, and that I have reviewed and understand the contents of the specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

\* \* \* \* \*

**PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

280491.2

Check one:  no such applications have been filed.  
 such applications have been filed as follows

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
 (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 35 USC 119
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

**(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**


**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)**

I hereby claim the benefit under Title 35, United States Code, §120 or §119(e) of any United States application(s) and/or provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier United States application, if any, described below, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States more than one year prior to said earlier application, that the said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months prior to said application and that no application for patent or inventor's certificate on said subject matter has been filed by me

280491.2

- 3 -

or my representatives or assigns in any country foreign to the United States except those identified herein.

60/024,666  
(Application Serial No.)

27 August 1996  
(Filing Date)

(Status)  
(patented, pending, aband.)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, aband.)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, aband.)

\* \* \* \* \*

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Donald W. Muirhead	Reg. No. 33,978	Charles H. Cella	Reg. No. 38,099
Beth E. Arnold	Reg. No. 35,430	John C. Gorecki	Reg. No. 38,741
Matthew P. Vincent	Reg. No. 36,709	Edward J. Kelly	Reg. No. 38,936
Isabelle M. Clauss	Reg. No. (see attached)	Sayoko Blodgett-Ford	Reg. No. 40,516

Send Correspondence to: Patent Group  
 Foley, Hoag & Eliot LLP  
 One Post Office Square  
 Boston, MA 02109

Direct Telephone Calls to: Matthew P. Vincent, Ph.D. (617) 832-1000

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

280491.2

- 4 -

<b>Full name of sole or first inventor</b> Stuart L. SCHREIBER	
Inventor's signature	Date
<b>Residence</b> 434 Marlborough Street, Boston, MA 02115	
<b>Citizenship</b> USA	
<b>Post Office Address (if different)</b>	

<b>Full name of second inventor</b> Peter J. BELSHAW	
Inventor's signature	Date
<b>Residence</b> 41 Lewis Street, No. 1, Somerville, MA 02143	
<b>Citizenship</b> USA	
<b>Post Office Address (if different)</b>	

<b>Full name of third inventor</b> Gerald CRAETREE	
Inventor's signature	Date
<b>Residence</b> 7 Durham Road, Woodside, CA 94062	
<b>Citizenship</b> USA	
<b>Post Office Address (if different)</b>	

280491.2